

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MARCUS ANTHONY HAMILTON	§	
VS.	§	CIVIL ACTION NO. 1:24cv357
STATE OF TEXAS, ET AL.	§	

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Marcus Anthony Hamilton, an inmate at the Jefferson County Correctional Facility, proceeding *pro se*, filed this civil rights lawsuit against the State of Texas and Chambers County, Texas.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Plaintiff complains he was stopped while traveling through Anuahac, Texas and unlawfully detained. Plaintiff complains that the officer had no reasonable suspicion to stop or detain him.

Analysis

The Civil Rights Act, 42 U.S.C. §1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the

claim arose. The incidents which form the basis of plaintiff's complaint occurred in Chambers County, Texas. Further, the defendants all appear to be employed in Chambers County, Texas. When public officials are parties to an action in their official capacities, they reside for venue purposes in the county where they perform their official duties, which in this case is Chambers County, Texas. *Holloway v. Gunnell*, 685 F.2d 150 (5th Cir. 1982); *Lowrey v. Estelle*, 433 F.2d 265 (5th Cir. 1976). In accordance with 28 U.S.C. § 124, Chambers County is located within the jurisdictional boundaries of the United States District Court for the Southern District of Texas, Houston Division.

As Chambers County is located within the jurisdictional boundaries of the United States District Court for the Southern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). This case should be transferred to the United States District Court for the Southern District of Texas, Houston Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 18th day of September, 2024.



Zack Hawthorn
United States Magistrate Judge